IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 1112/2006

BANWARI Vs. STATE OF RAJASTHAN

DATE: 19.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Uma Shanker Pandey for
Mr. Rohan Jain for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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The present revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the order dated 28.06.2006 passed by the District & Sessions Judge, Baran, whereby the District Judge has rejected the appeal of accused-petitioner only on the ground of delay.

In the considered view of the Hon'ble Supreme Court and of this Court, normally such appeal should not be dismissed on the ground of delay and in the instant case, appeal has been filed after delay

In the interest of justice, I deem it proper to quash and set-aside the impugned order dated 28.06.2006 and direct the District & Sessions Judge, Baran to hear the matter afresh on the application under Section 5 of

the Limitation Act as well as on merit and shall pass speaking order after giving opportunity of being heard to the parties.

With these observations, the matter is remanded back to the District & Sessions Judge, Baran.

The revision petition stands allowed.

(K.S. RATHORE),J.

/KKC/